

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TODD GOLDMAN,

Plaintiff,

-against-

ELI WEISMAN, ROY REVIVO, QUALITY
ART AUCTIONS, INC., and NOAH WEISMAN,

Defendants.

23-CV-7052 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

The Complaint in this action was filed on August 10, 2023. On December 7, 2023, the Court ordered Plaintiff to show good cause in writing why service of the summons and Complaint was not made within the 90 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure – or, if Plaintiff believed service had been made, to demonstrate when and in what manner service was made within the 90 days. ECF No. 8. On December 11, 2023, counsel for Plaintiff filed a letter with the court stating that he had served all named Defendants “on or about October 25, 2023,” but that he had not “heard from” Defendants and thus requested “an additional two weeks for a process server to be utilized to verify receipt” of service. ECF No. 9. In response, the Court extended Plaintiff’s deadline to file proof of service of the Summons and Complaint by December 22, 2023. ECF No. 10. The deadline passed and Plaintiff did not file anything with the Court.

On December 28, 2023, the Court ordered Plaintiff to file proof of service of the Summons and Complaint and set a deadline of January 3, 2024. On January 3, 2024, Plaintiff filed a letter addressed to Judge Ramos stating that (1) he had served all named Defendants on October 25, 2023; (2) following his December 11, 2023 letter to the Court, “my law office has both mailed and sent with a California process server the aforementioned documents to the

named Defendants in the State of California;” and (3) he needed additional time “the California process server to report and verify receipt of the aforementioned documents.” ECF No. 16. The Court granted Plaintiff’s extension request and set a deadline of January 10, 2024 for Plaintiff to file proof of service of the Summons and Complaint. ECF No. 17.

On January 10, 2024, Plaintiff filed an Affidavit of Service with Court. ECF No. 18. The document indicates that the process server served Defendants both in person and by mail on January 10, 2024. *Id.* This date conflicts with to counsel’s prior letters, however, which each state that Defendants were served on October 25, 2023. Further, counsel’s January 3, 2024 letter states that counsel needed additional time to “verify receipt” of service from the California process server. This suggests that service had already been completed. Yet, the Affidavit of Service suggests that service was not completed until January 10, 2024.

Accordingly, Counsel for Plaintiff is hereby ORDERED to file a letter with the Court by **January 12, 2024** explaining the discrepancy between his prior representations to the Court and the information provided in the Affidavit of Service filed on January 10, 2024.

Dated: January 12, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style. Below the signature is a solid black horizontal line.

JESSICA G. L. CLARKE
United States District Judge